

1 **BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS**
2 **IN MEDICINE AND SURGERY**

4 **IN THE MATTER OF:**

Case No. DO-16-0200A

5 **SEAN SACKETT, D.O.**
6 Holder of License No. 3872

**ORDER LIFTING OF PRACTICE
RESTRICTION**

7 For the practice of osteopathic medicine in
8 the State of Arizona.

9 In September 2016, the Arizona Board of Osteopathic Examiners (hereafter
10 "Board") received a complaint against the license of Sean Sackett, D.O. (hereafter
11 "Respondent"). The Board duly noticed an Investigative Hearing on February 13, 2017.
12 The Board held an Investigative Hearing on April 1, 2017. Respondent appeared
13 personally and on his own behalf. At the conclusion of the Investigative Hearing, the
14 Board voted to enter Findings of Fact, Conclusions of Law, Order for Decree of Censure,
15 Probation, Restriction and Practice Assessment. The date of this Order is April 10, 2017.

16 At the Board's March 24, 2018, meeting, the Board considered the above-
17 captioned and Respondent's compliance with the April 2017 Board Order. Respondent
18 appeared personally without legal counsel.

19 After considering documentary evidence, including reports from all evaluations,
20 testimony from Respondent, the Board issues the following order:

21 **ORDER**
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Pursuant to the authority vested in the Board,

IT IS HEREBY ORDERED that the PRATICE RESTRICTION imposed by the Board's April 2017, Order is LIFTED effective on the date this Order is signed by the Board's Interim Executive Director.

IT IS HEREBY ORDERED that all other terms and conditions of the April 10, 2017, Order remain in full force and effect until further Order of the Board.



ISSUED THIS 10th DAY OF APRIL, 2018.
ARIZONA BOARD OF OSTEOPATHIC
EXAMINERS IN MEDICINE AND SURGERY

By: Rachel Shepherd
Rachel Shepherd, Interim Executive Director

Original "Order Lifting Practice Restriction"
filed this 10th day of April, 2018 with:

Arizona Board of Osteopathic Examiners
In Medicine and Surgery
1740 W. Adams, Ste. 2410
Phoenix AZ 85007

Copy of the "Order Lifting Practice Restriction" sent by certified mail, return receipt requested, this 10th day of April, 2018 to:

Sean Sackett, D.O.
Address of record

Copies of this "Order Lifting Practice Restriction" filed/sent this 10th day of April, 2018 to:

Jeanne Galvin, AAG
Office of the Attorney General SGD/LES
2005 N. Central Ave.
Phoenix AZ 85004

By: R.S.

1 **BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS**
2 **IN MEDICINE AND SURGERY**

4 IN THE MATTER OF:

5 **SEAN SACKETT, D.O.**
6 Holder of License No. 3872

7 For the practice of osteopathic medicine in
8 the State of Arizona.

Case No. DO-16-0200A

**AMENDED
FINDINGS OF FACT,
CONCLUSION OF LAW, AND
ORDER FOR DECREE OF
CENSURE, PROBATION,
RESTRICTION, AND PRACTICE
ASSESSMENT**

9
10 In September 2016, the Arizona Board of Osteopathic Examiners (hereafter
11 "Board") received a complaint against the license of Sean Sackett, D.O. (hereafter
12 "Respondent"). The Board duly noticed an Investigative Hearing on February 13, 2017.
13 The Board held an Investigative Hearing on April 1, 2017. Respondent appeared
14 personally and on his own behalf. At the conclusion of the Investigative Hearing, the
15 Board voted to enter Findings of Fact, Conclusions of Law, Order for Decree of Censure,
16 Probation, Restriction and Practice Assessment. The date of this Order is April 10, 2017.

17
18 At the Board's March 24, 2018, meeting, the Board considered Respondent's
19 compliance with the April 2017 Board Order. Respondent appeared personally without
20 legal counsel.

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22 After considering documentary evidence, including reports from all evaluations,
23 and testimony from Respondent, the Board voted to lift the prescribing restrictions placed
24 on Respondent's license and issue the following Amended order:

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26 **ORDER**

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2 **IT IS HEREBY ORDERED** that Sean Sackett, D.O, holder of osteopathic
3 medical License number 3872, shall complete thirty (30) hours of Disciplinary
4 Continuing Medical Education, (CME) in the area of opioid prescribing through a course
5 provided by CPEP or PACE on or before July 31, 2018. Respondent shall provide Board staff with
6 satisfactory proof of completion of the required CME by August 31, 2018. The CME hours
7 **must be approved in advance** by the Board's Interim Executive Director and shall be in
8 addition to the hours required for biennial renewal of his osteopathic medical license. Physician
9 shall be responsible for all costs associated with this Order. Physician's failure to complete the
10 CME may subject him to future disciplinary action by the Board.
11

12 **IT IS FURTHER ORDERED THAT:** Board staff shall conduct a ten (10) patient
13 chart review within three (3) months after the restoration of Respondent's DEA
14 registration. Respondent shall cooperate and provide the records for the chart review.
15 Respondent shall notify the Interim Executive Director within fifteen (15) days of the
16 restoration of his DEA registration. Respondent shall appear before the Board at a future
17 meeting for an update and to review and discuss the chart review.
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19 **IT IS HEREBY ORDERED** that all other terms and conditions of the April 10,
20 2017, Order that are not inconsistent with this Amended Order remain in full force and
21 effect until further Order of the Board.
22

23
24 ISSUED THIS 10th DAY OF APRIL, 2018.
25 ARIZONA BOARD OF OSTEOPATHIC
26 EXAMINERS IN MEDICINE AND SURGERY



By: Rachel Shepherd
Rachel Shepherd, Interim Executive Director

Original "Amended Order"
filed this 10th day of April, 2018 with:

Arizona Board of Osteopathic Examiners
In Medicine and Surgery
1740 W. Adams, Ste. 2410
Phoenix AZ 85007

Copy of the "Amended Order" sent by certified mail, return receipt requested,
this 10th day of April, 2018 to:

Sean Sackett, D.O.
Address of record

Copies of this "Amended Order " filed/sent this 10th day of April, 2018 to:

Jeanne Galvin, AAG
Office of the Attorney General SGD/LES
2005 N. Central Ave.
Phoenix AZ 85004

By: R.S.

BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

IN THE MATTER OF:)	Case No.: DO-16-0200A
)	
SEAN SACKETT, D.O.)	FINDINGS OF FACT,
Holder of License No. 3872)	CONCLUSIONS OF LAW, AND
)	ORDER FOR DECREE OF CENSURE,
For the practice of osteopathic medicine in)	PROBATION, RESTRICTION, AND PRACTICE
the State of Arizona)	ASSESSMENT

In September 2016, the Arizona Board of Osteopathic Examiners (hereafter "Board") received a complaint against the license of Sean Sackett, D.O. (hereafter "Respondent"). On October 28, 2016, the Board noticed Respondent of an investigation into that complaint and requested that he provide the Board with the medical records in question and a written response to the allegations. In November 2016, the Board received medical records from Respondent but he did not provide a written response to the complaint.

The Board duly noticed an Investigative Hearing on February 13, 2017. The Board held an Investigative Hearing on April 1, 2017. Respondent appeared personally and on his own behalf.

After hearing testimony from the Respondent and considering the documents and evidence submitted, the Board voted to enter the following Findings of Fact, Conclusions of Law, and Order for Decree of Censure, Probation, Restriction, and Practice Assessment.

JURISDICTIONAL STATEMENTS

1. The Board is empowered, pursuant to A.R.S. § 32-1800 *et seq.*, to regulate the practice of osteopathic medicine in the State of Arizona, and the conduct of the persons licensed, registered, or permitted to practice osteopathic medicine in the State of Arizona.

2. Respondent is the holder of License No. 3872 issued by the Board for the practice of osteopathic medicine in the State of Arizona.

FINDINGS OF FACT

3. On September 20, 2016, the Board received a complaint from the Arizona Pharmacy Board with concerns that Respondent was prescribing large quantities of controlled substances to patient D.F.

4. The Board's medical consultant reviewed the records for patient D.F. The medical records showed that D.F. was being prescribed large quantities of oxycodone by Respondent. Between September 2015 and September 2016, pill counts ranged from 528 pills to 1320 pills per month. In addition, D.F. was receiving OxyContin 80mg, Ambien and Xanax. Urine drug screens were ordered but never performed. The patient's morphine equivalent was 2177. Respondent failed to refer the patient to a specialist. Further, Respondent prescribed D.F. opioids, benzodiazepines and muscle relaxants at the same time. It was noted the patient was morbidly obese and had possible sleep apnea. Prescribing these medications at the same time and in those numbers to a morbidly obese patient with possible sleep apnea fell below the standard of care.

5. The Board's medical consultant completed a chart audit on four of Respondent's patients.

6. The medical consultant noted the following concerns:

A. The patient was prescribed unusually large quantities of opiates. (D.F., J.B., and R.R.)

B. The UDS were inconsistent on multiple occasions and the actual lab report was not in the medical record. Respondent did not mention the inconsistencies in the record and continued to prescribe controlled substances (A.R.)

- 1 C. No UDS were performed (J.G.)
- 2 D. No pharmacy audit was performed (J.G., A.R., and R.R.)
- 3 E. Respondent prescribed benzodiazepines and opioids at the same time to
- 4 patient A.R.
- 5 F. No prior medical records were requested or reviewed. (J.G.)
- 6 G. The pharmacy audit revealed the patient was prescribed Suboxone from
- 7 another provider along with oxycodone and OxyContin prescribed by
- 8 Respondent. The patient admitted on multiple occasions that he was still
- 9 taking both the Suboxone and Oxycodone and Oxycontin but Respondent
- 10 continued to prescribe. Respondent diagnosed the patient with opiate
- 11 addiction yet he continued to prescribe opiates. (J.B.)
- 12 H. Respondent stored- controlled substances in a locked cabinet in his office
- 13 and his office staff distributed them to the patients. (A.R., J.B., and R.R.)
- 14 I. Respondent is not registered to dispense medication from his office.

15 8. Respondent fell below the community standard of care in the prescribing of

16 controlled substances. The community standard involves an evaluation of a patient's medical

17 history, presenting complaint, appropriate physical exam, review of previous diagnostic testing,

18 urine drug screens, pharmacy queries, and documentation in the medical records of the same.

19 9. Respondent had a lack of documentation in the medical records to evidence

20 proper care and management of patients being treated with controlled substances.

21 **CONCLUSIONS OF LAW**

22 10. The conduct described above is a violation of unprofessional conduct pursuant

23 to A.R.S. § 32-1854(6), which states "Engaging in the practice of medicine in a manner that

24 harms or may harm a patient or that the board determines falls below the community

25 standard."

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2 11. The conduct described above is a violation of unprofessional conduct pursuant
3 to A.R.S. § 32-1854 (38), which states "Any conduct or practice that endangers the public's
4 health or may reasonably be expected to do so."

5
6 12. The conduct described above is a violation of unprofessional conduct pursuant
7 to A.R.S. § 32-1854 (5), which states "Prescribing, dispensing or administering controlled
8 substances or prescription-only drugs for other than accepted therapeutic purposes."

9 13. The conduct described above is a violation of unprofessional conduct pursuant
10 to A.R.S. § 32-1854 (21), which states "Failing or refusing to establish and maintain adequate
11 records on a patient as follows:

12
13 (a) If the patient is an adult, for at least six years after the last date the licensee provided
14 the patient with medical or health care services. ...

15 14. The conduct described above is a violation of unprofessional conduct pursuant
16 to A.R.S. § 32-1854 (37), which states "Failing to dispense drugs and devices in compliance with
17 article 4 of this chapter."

18 **ORDER**

19 Pursuant to the authority vested in the Board,

20
21 1. **IT IS HEREBY ORDERED** that the license of Sean Sackett, D.O, holder of
22 osteopathic medical License number 3872 is issued a **DECREE OF CENSURE**.

23 2. **IT IS HEREBY ORDERED** that the license of Sean Sackett, D.O, License number
24 3872 is placed on PROBATION for a minimum period of five (5) years from the effective
25 date of this Order. The effective date of this Order is thirty-five (35) days from the date
this Order is signed by the Board's Executive Director. At the conclusion of five years,

1 Respondent must petition the Board for termination of his probation and release from
2 all terms and conditions of the probation. If the Board determines that Respondent has
3 not complied with all the requirements of this Order the Board, in its sole discretion,
4 may either: (a) continue the probation or (b) institute proceedings for noncompliance
5 with this Order, which may result in suspension, revocation, or other disciplinary and/or
6 remedial action.
7

8 **3. IT IS HEREBY FURTHER ORDERED** that during the period of probation, Sean
9 Sackett, D.O., holder of osteopathic medical License number 3872 shall be restricted from
10 prescribing or dispensing Class 2, 3 or 4 controlled substances (including Suboxone and
11 Subutex). Respondent is also prohibited from providing or issuing a written certification for
12 medical marijuana as defined in A.R.S. §36-2801 (18) during the period of probation.

13 **4. IT IS FURTHER ORDERED** Respondent shall undergo a practice assessment in the
14 areas of family practice and opioid prescribing by the Physician Assessment and Clinical
15 Education Program ("PACE"), at the University of San Diego (619-543-6770 /
16 www.paceprogram.ucsd.edu) or undergo a physician practice assessment through The Center
17 for Personalized Education for Physicians ("CPEP") in Denver, Colorado (303-577-3232 or
18 www.cpepdoc.org), or an equivalent program that is pre-approved by the Board's Executive
19 Director. The evaluation or assessment shall be scheduled within sixty days and completed
20 within six months of the effective date of this Order and at Respondent's cost. The report of
21 the evaluation shall be forwarded directly from the assessment program to the Board's
22 Executive Director.

23 **5.** By 5:00 p.m. on the 60th day following service of this document, Respondent
24 shall notify the Board's Executive Director of the date(s) of the appointment for the physician
25 practice assessment or evaluation and which organization will be conducting the assessment or

1 evaluation. The notification shall be in writing, by facsimile (480-657-7715) or email
2 (jenna.jones@azdo.gov).

3 6. Respondent shall cooperate and provide records for chart reviews during the
4 period of probation. Chart reviews shall be conducted at a time and at the discretion of the
5 Board's Executive Director and Medical Consultant.

6 7. Respondent shall appear before the Board in nine (9) months for an update and
7 to review and discuss the assessment report.

8 8. Respondent shall pay a civil penalty in the amount of \$1,000.00 dollars within
9 sixty days of the effective date of this Order.

10 9. **Costs:** Respondent shall bear all costs incurred regarding compliance with this
11 Order.

12 10. **Obey All Laws:** Respondent shall obey all federal, state and local laws, and all
13 rules governing the practice of medicine in the State of Arizona.

14 11. **Ceasing Practice in the State of Arizona:** In the event that Respondent ceases
15 to practice medicine in the State of Arizona, by moving out of state, failing to renew his license,
16 or maintaining an Arizona license but ceasing to practice clinical medicine or administrative
17 medicine requiring licensure, Respondent shall notify the Board that he has ceased practicing in
18 Arizona, in writing, within 10 days of ceasing to practice. In its sole discretion, the Board may
19 stay the terms of this Order until such time as the Respondent resumes the practice of
20 medicine in Arizona, or may take other action to resolve the findings of fact and conclusions of
21 law contained in this Consent Agreement and Order for Probation.

22 12. **Failure to Comply / Violation:** Respondent's failure to comply with the
23 requirements of this Order shall constitute an allegation of unprofessional conduct as defined
24 at A.R.S. § 32-1854(25) and proven violations may be grounds for further disciplinary action
25 (e.g., suspension or revocation of license).



ISSUED THIS 10th DAY OF APRIL, 2017.
ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

By: Jenna Jones
Jenna Jones, Executive Director

NOTICE OF RIGHT TO REQUEST REVIEW OR REHEARING

Respondent may request a rehearing or review of this matter pursuant to A.R.S. § 41-1092.09. The motion for rehearing or review must be filed with the Arizona Board of Osteopathic Examiners within thirty (30) days. If a party files a motion for review or rehearing, that motion must be based on at least one of the eight grounds for review or rehearing that are allowed under A.A.C. R4-22-108(D). Failure to file a motion for rehearing or review within 30 days has the effect of prohibiting judicial review of the Board's decision. Service of this order is effective five (5) days after date of mailing. A.R.S. § 41-1092.09(C). If a motion for rehearing or review is not filed, the Board's Order becomes effective thirty-five (35) days after it is mailed to Respondent.

Original "Findings of Fact, Conclusions of Law and Order for Decree of Censure, Probation and Restriction"
filed this 10th day of April, 2017 with:

Arizona Board of Osteopathic Examiners
In Medicine and Surgery
9535 East Doubletree Ranch Road
Scottsdale AZ 85258-5539

1
2 Copy of the "Finding of Fact, Conclusions of Law and Order for Decree of Censure, Probation
3 and Restriction" sent by certified mail, return receipt requested, this 10th day of April, 2017
4 to:

5 Sean Sackett, D.O.
6 Address of record

7
8 Copies of this "Findings of Fact, Conclusions of Law and Order for Decree of Censure, Probation
9 and Restriction" filed/sent this 10th day of April, 2017 to:

10 Jeanne Galvin, AAG
11 Office of the Attorney General SGD/LES
12 1275 West Washington
13 Phoenix AZ 85007

14  _____